

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

KENNETH D. BARNES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV466-WHB-JCS

THE CITY OF JACKSON, ET AL

DEFENDANTS

ORDER

This cause came to be heard upon the Report and Recommendation of United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause on or about June 14, 2006, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge James C. Sumner entered on or about June 14, 2006, be, and the same is hereby, adopted as the finding of this Court.

IT IS FURTHER ORDERED that the Motion of Defendants to Dismiss [docket entry #16] is hereby denied.

SO ORDERED this the 12th day of July, 2006.

s/William H. Barbour, Jr.

UNITED STATES DISTRICT JUDGE